

Notice of Allowability

Application No.

09/675,422

Examiner

Susy N Tsang-Foster

Applicant(s)

YAMAGUCHI ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment filed on 6/8/2004.
2. ☒ The allowed claim(s) is/are 7-12, 20 and 21.
3. ☒ The drawings filed on 29 September 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

ALLOWABLE SUBJECT MATTER

Claim Interpretation

1. In the previous office action, claims 7-12 were objected to as being dependent upon rejected base claim but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant states on page 8 of the after-final amendment that he has now rewritten claims 7-12 accordingly and therefore claims 7-12 as now presented are in condition for allowance. In addition, claims 20 and 21 were also indicated to be allowable in the previous office action if rewritten to overcome the rejected under 35 USC 112, second paragraph. Applicant also states claims 20 and 21 has been rewritten accordingly and therefore are now in condition for allowance.

It is noted that the claim language for independent claims 7 and 20 as presently claimed can be confusing for the following reasons. In claim 7, the limitation "wherein the positive-electrode active material comprises a Li compound oxide and the negative -electrode active material comprises one of a Li compound oxide, an amorphous metal oxide, and a carbonaceous material" originally appeared in claim 6 in the previous office action from which claim 7 depended and claim 6 was rejected with prior art. However, claim 7 that was addressed in the previous office action recited the limitation "wherein the Li compound oxide of the positive-electrode active material is LiM_xO_y wherein M is at least one selected from the group consisting of Co, Ni, Mn, Fe, Al, V and Ti, and the negative-electrode active material comprises the carbonaceous material" which was indicated to be allowable. Claim 7 as presently written

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oxide and the negative-electrode active material comprises one of a Li compound oxide, an amorphous metal oxide, and a carbonaceous material” in claim 20 for the same reasons given above for claim 7 in light of arguments made of record by applicant in the after-final amendment filed on 6/8/2004, the art rejections applied by the Examiner in the previous office action, and subject matter deemed to be allowable by the Examiner in the previous office action.

2. Claims 7-12 and 20-21 are allowed.
3. The following is an examiner’s statement of reasons for allowance:

The closest prior art of record, JP 09-027344 does not disclose, teach, or suggest adding carbon fibers and carbon flakes in the recited claimed weight ratios and having the recited properties to an electrode comprising a carbonaceous material as the electrode active material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

4. Any inquiry concerning this communication or earlier communications should be directed to examiner Susy Tsang-Foster, Ph.D. whose telephone number is (571) 272-1293. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

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recites both the broader limitation “wherein the positive-electrode active material comprises a Li compound oxide and the negative –electrode active material comprises one of a Li compound oxide, an amorphous metal oxide, and a carbonaceous material” that appeared in now cancelled claim 6 and the narrower limitation “wherein the Li compound oxide of the positive-electrode active material is LiM_xO_y wherein M is at least one selected from the group consisting of Co, Ni, Mn, Fe, Al, V and Ti, and the negative-electrode active material comprises the carbonaceous material”.

For the purposes of prosecution and clarifying the record, the narrower limitation “wherein the Li compound oxide of the positive-electrode active material is LiM_xO_y wherein M is at least one selected from the group consisting of Co, Ni, Mn, Fe, Al, V and Ti, and the negative-electrode active material comprises the carbonaceous material” in claim 7 is interpreted as further limiting the broader limitation “wherein the positive-electrode active material comprises a Li compound oxide and the negative –electrode active material comprises one of a Li compound oxide, an amorphous metal oxide, and a carbonaceous material” in claim 7 in light of the arguments made by applicant in the after-final amendment filed on 6/8/2004, the art rejections applied by the Examiner in the previous office action, and subject matter deemed to be allowable by the Examiner in the previous office action.

Similarly, in presently rewritten independent claim 20, the narrower limitation “wherein the Li compound oxide of the positive-electrode active material is LiM_xO_y wherein M is at least one selected from the group consisting of Co, Ni, Mn, Fe, Al, V, and Ti, and the negative-electrode active material comprises the carbonaceous material ” is interpreted as further limiting the broader limitation “wherein the positive-electrode active material comprises a Li compound

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at (571) 272-1292.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

st/ *Susy Tsang-Foster*

Susy Tsang-Foster
Primary Examiner
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